UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re: Steven Jay Cunningham		Case No. 18-11167 CHAPTER 13 PLAN					
		Orig	ginal			_X A	AMENDED
	Debtor(s).	Date:	J	une 11,	2018		
I. <u>Disclo</u>	sure of Nonstandard Provisions and Plan's Mod	lificatio	n of	Secur	ed Debt:		
X B. Doe (checkY X C. Doe	No es this plan limit the amount of a secured claim bas one)? Yes No es this plan avoid a security interest or lien (check of Yes	ed on a	53	iation o	f the collater	ral for the	e claim
language in this interest or lien i	s either not indicated "yes" in the applicable section plan purporting to limit the amount of a secured c s void. Even if the Debtor indicated "no" in Section ased on a valuation of the collateral for the claim of	laim bas n 1.B or	sed o	on a val	uation of the C, the Debto	collater	ral or to avoid a security ek to limit the amount of a
	is (check one): a below median income debtor with a 36 month an above median income debtor with a 60 month					l	
of allowed unse	th shall not be less than the Debtor's applicable concurred claims over a shorter period or is modified pall automatically be extended up to 60 months after	ost-conf	firm	ation. It	the Debtor	is below	median income, then the
No later tha A. B. T E	ayments to the Trustee: an 30 days after the order for relief, the Debtor shal AMOUNT: \$2,223.00 Monthly (See section X to FREQUENCY (check one): Monthly wice per month very two weeks Veekly TAX REFUNDS: The Debtor (check one):				g payments	to the Tr	rustee as follows:
D. E.	X commits all tax refunds to funding the plan. amount stated above. does not commit; all tax refunds to funding the PAYMENTS: Plan payments shall be deducted for ordered by the Court. OTHER: Commits refunds in excess of \$1,500	e plan. I from the	If no	selecti	on is made,	tax refui	nds are committed.
IV. Distributio	n of Plan Payments by the Trustee:						

1v. Distribution of Plan Payments by the Trustee

[Local Bankruptcy Form 13-4, eff. 12/17]

Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com

Best Case Bankruptcy

Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

- A. ADMINISTRATIVE EXPENSES:
 - 1. Trustee. The percentage set pursuant to 28 USC §586(e).
 - 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
 - 3. The Debtor's Attorney's Fees: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be \$_3,500.00 . \$_1,000.00 was paid prior to filing.

Approved attorney compensation shall be paid as follows (check one):

- a. X Prior to all creditors
- b. __ Monthly payments of \$_
- c. All remaining funds available after designated monthly payments to the following creditors:
- d. Other:

If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C.

B. CURRENT DOMESTIC SUPPORT OBLIGATIONS:

Creditor	Monthly amount
-NONE-	\$

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.

The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

1. Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Ongoing Payments:

Rank	Monthly Paymer	<u>1t</u>	Creditor		Collateral					
1	\$	1,938.11	BSI Financial S	ervices	9369 31st Place S County	5W 5	eattle, WA 981	26 King		
Cure Pay	ments:						Arrears to be	Interest		
Rank	Payment	Creditor		Collateral		,	Cured	Rate		
1	\$ (see section X)	BSI Financia	I Services		Place SW Seattle, King County	S	210,012.69	0	.00	%

2. <u>Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by</u>
Real Property Other than the Debtor's Principal Residence:

[Local Bankruptcy Form 13-4, eff. 12/17]

Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com

Best Case Bankruptcy

Rank	g Payments: Monthly Payme S	nt <u>Creditor</u> IONE-	<u>Col</u>	latera <u>l</u>		Interest Rate	2/0
Cure Pa	Monthly Payment	Creditor -NONE-	<u>Colla</u>	tera <u>l</u>	Arrears to be Cured	Interest Rate	/ ₀
other poper-con Protect	in any motor vehicle ersonal property acqui firmation adequate pr	red within one year preceduction payments shall be	allowed proof of use of the Debtor ding the filing da e paid by the Tru	f claim for a purcha within 910 days p te of the petition as stee in the amounts	ase-money security receding the filing date of the s specified below. The Debto s stated as the "Pre-Confirma" as specified below after the	r stipulates that tion Adequate	
Rank	Monthly Payment	Creditor -NONE-	Collatera	<u>al</u>	Pre-Confirmation Adequate Protection Monthly Payment S	Interest Rate	6
a timely collater as the "	y objection to a proof of al. The Debtor stipula Pre-Confirmation Ado	of claim or in an adversary tes that pre-confirmation a	ne proof of claim, y proceeding, for adequate protection Payment" or, if	a security interest on payments shall	provided in Section X or orderin personal property which is be paid by the Trustee in the nts stated as the "Monthly Pa	s non-910 amounts stated	
Rank	Monthly <u>Payment</u>	Creditor -NONE-	Debtor's Value of <u>Collateral</u>	Collateral	Pre-Confirmation Adequate Protection Monthly Payment	Interest Rate	20
-	D. PRIORITY		S		lowed claims entitled to price		0

V. Direct Payments to be made by the Debtor and not by the Trustee:

Amount of Claim

The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and [Local Bankruptcy Form 13-4, eff. 12/17]

Percentage to be Paid

Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com

Creditor

-NONE-

Rank

Best Case Bankruptcy

Reason for Special Classification

shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

-NONE-	Current Monthly	Support Obligation Mon	thly Arrearage Payment
B.	OTHER DIRECT PAYMENTS:		
Creditor -NONE-	Nature of Debt	Amount of Claim \$	Monthly Payment \$

VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation.

The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

Creditor -NONE-

Property to be Surrendered

VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

Contract/Lease -NONE-

Assumed or Rejected

VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

The liquidation value of the estate is \$ 0.00 . To obtain a discharge, the Debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 U.S.C. §\$ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of __ % per annum from the petition date (no interest shall be paid if left blank).

X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

[Local Bankruptcy Form 13-4, eff. 12/17]

Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com

Best Case Bankruptcy

- 1. Debtor shall pay his on-going mortgage payment to BSI financial. Debtor shall dedicate \$100 of his monthly plan payment towards curing the arrears of the BSI Financial mortgage for the initial 12 months of the plan.
- 2. Debtor shall increase his plan payment to \$5,223 a month commencing month 13 of the plan payment period. The increased payment amount of \$3,000 shall be dedicated to the BSI Financial arrears.
- 3. Debtor shall increase his payment to \$6,223 a month commencing month 25 of the plan payment period. The increased payment amount of \$4,000 shall be dedicated to the BSI Financial arrears.
- 4. Debtor shall increase his payment to \$7,223 a month commencing month 37 of the plan payment period. The increased payment amount of \$5,000 shall be dedicated to the BSI Financial arrears.
- 5. Debtor shall pay \$7,000 a month commencing month 49 of the plan payment period through month 60 of the plan payment period in order to sure the pre-petition arrears to BSI Financial in full over a 60 month commitment period.
- 6. Debtor shall apply for a loan modification/refinance during his chapter 13. If the Debtor is able to procure a loan modification or refinance, Debtor will file a motion with the court for approval and continue to pay his modified or refinanced payment through the plan or payoff the chapter 13 plan.

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

	(Signature Page)	
/s/ Justin Mishkin WSBA #	151 Sten Stenned	June 11, 2018
Justin Mishkin WSBA # 38864 Attorney for Debtor(s)	Steven Jay Cunningham DEBTOR	Date
June 11, 2018		
Date	DEBTOR	Date

[Local Bankruptcy Form 13-4, eff. 12/17]
Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com